

**Minutes
Bar Harbor Planning Board
February 3, 2010
Council Chambers – Municipal Building
93 Cottage Street**

I. CALL TO ORDER

Members Present: Kevin Cochary, Chair, Lynn Williams, Vice Chair; Kay Stevens-Rosa, Member.

Also present: Anne Krieg, Planning Director; Brian Madigan, Staff Planner; Amanda Meader, Town Attorney.

II. ADOPTION OF THE AGENDA

Ms. Stevens-Rosa moved to adopt the agenda as slated. Ms. Williams seconded the motion and the Board voted unanimously to approve the motion.

III. APPROVAL OF MINUTES

Minutes of January 10, 2010

Ms. Williams moved to adopt the minutes as written. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

Mr. Cochary discussed the possibility of holding a Special Meeting on February 24, 2010.

IV. REGULAR BUSINESS

A. Continuation of Public Hearing – SP-09-02 – West Street Hotel

Project Location: West Street, Bar Harbor Tax Map 104, Lots 113-118, 122, 123, 143, 144, 147, and 149.

Applicant: North South Construction

Application: Construct 120 room hotel and accessory uses.

Mr. Salvatore, the applicant's representative, reviewed the discussion points which staff had prepared in the most recent staff report. The applicant reviewed the greenspace credits they have applied for. Mr. Bearor asked the Board to refer to the memos from Rudman Winchell for clarification on the proper interpretation of the greenspace credits.

Each Board member offered an informal opinion on the greenspace calculation and parking credits. The Board first debated whether or not they believe the greenspace credits adjacent to the parking deck could be granted given a commercial garage is defined as a *structure*. However, the language in Section 125-67(B)(4)(c) states that greenspace credit can only be given for greenspace in front of a *building*. The Board debated the issue briefly. Ms. Stevens-Rosa stated that she would be comfortable with recognizing these particular greenspace credits as they achieve the stated goal of the ordinance provision. She then stated that she felt the more conservative calculation for greenspace credits should prevail. Under this interpretation, the Board would not accept any greenspace beyond the point of the structure located nearest the front property line. Mr. Cochary and Ms. Williams agreed with Ms. Stevens-Rosa.

The Board discussed the Lennox Place easement and right of way issues with the applicant. Ms. Krieg stated the applicant would need approval from the Town Council for changes to the width and direction of Lennox Place and the additional curb cuts proposed on York Street.

Mr. Salvatore stated that he had spoken to the Bar Harbor Housing Authority about managing the two affordable units within the hotel.

The applicant reviewed the number of stories in the proposed hotel as well as the height provisions of the ordinance. The discussion grew somewhat contentious as members of the public, the Board, and the applicant's team each varied in their interpretation of Section 125-67(G). Ms. Stevens-Rosa exited the Council Chambers and did not return for the duration of the meeting.

Ms. Williams moved to continue the project to the next scheduled meeting. Mr. Cochary seconded the motion and the Board voted unanimously to approve the motion.

B. Continuation of Public Hearing – SP-09-07 – AT&T Mobility – Wireless Communication Facility

Project Location: 286 State Highway 3, Tax Map 209 Lot 106

Applicant: AT&T Mobility

Application: Construct a wireless telecommunications facility at 286 State Highway 3.

The Planning Board meeting continued with only Ms. Williams and Mr. Cochary present.

Mr. Hobbins presented an overview of the monopine design as well as several of the documents which the applicant recently submitted. These documents clarified the monopine design is approved by the applicant's engineer, and that the site plan had been revised to reflect the proper location of the landscaped screening from the McQuin's property.

Mr. Kelly, Planner for Acadia National Park, stated that the park would endorse the project with the proposed monopine design.

Ms. Williams moved to close the public hearing. Mr. Cochary seconded the motion and the Board voted unanimously to approve the motion.

Ms. Williams moved to approve the monopine design, revised site plan, and to grant a modification of standard for the proposed road width provided the applicant complied with all Additional Findings and Conditions of Approval as noted in the Decision. Mr. Cochary seconded the motion and the Board voted unanimously to approve the motion.

C. Continuation of Zoning Map Request – Witham Family Partnership and Bryony LLC

Project Location: Route 3 and Sand Point Road Bar Harbor Tax Map 208, Lots 89 and 91

Applicant: Witham Family Partnership and Bryony LLC

Application: Expand Ireson Hill Zoning district

Mr. Moore, the project representative, stated that his client would like to keep the zoning map amendment request as an active project. For the time being, Mr. Moore agreed to work with the Planning Department's public hearing process for Fall 2010 Town Meeting.

Ms. Williams moved to continue to the map request to a future date to be determined in consultation with Mr. Moore and the Planning Department. Mr. Cochary seconded the motion and the Board voted unanimously to approve the motion.

V. OTHER BUSINESS

A. Request by Robert Juliano for extension of time to commence construction of a subdivision for Eventyr Woods (SD-07-10)

Ms. Williams moved to grant an extension for time to commence construction of the Eventyr Woods subdivision. Mr. Cochary seconded the motion and the Board voted unanimously to approve the motion.

VI. PLANNING DIRECTOR'S REPORT

A. June 2010 Land Use Ordinance Amendments check-in

This item was continued to the next Planning Board meeting.

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

There were none.

VIII. ADJOURNMENT

Ms. Williams moved to schedule a Special Planning Board meeting on February 24, 2010. Mr. Cochary seconded the motion and the Board voted unanimously to approve the motion.

Ms. Williams moved to adjourn the meeting. Mr. Cochary seconded the motion and the Board voted unanimously to approve the motion. The meeting was adjourned at 8:15pm.

Minutes prepared by Staff Planner Brian Madigan, and reviewed by Kevin Cochary, for Planning Board Review at their February 24, 2010 meeting

Signed as approved:

Kevin Cochary, Chair
Planning Board, Town of Bar Harbor

Date